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DDI-8308-72

CIA/BGI PN 69.2332/5
17 August 1972

MEMORANDUM FOR THE RECORD

SUBJECT: DDI Request for Information About a State Department-DoD
Law of the Sea Rift

STATINTL

1. On 14 August I received an early morning call from [REDACTED] of the DDI's Staff with a question about a current rift between the State Department and the Department of Defense over a law of the sea topic. Apparently John Irwin, Under Secretary of State, had raised the subject with [REDACTED] DDP, at a social event over the weekend. Irwin inquired as to whether CIA had taken a stand on the issue. Early Monday morning [REDACTED] posed the question to Mr. Proctor. My initial reply was that we were not aware of any current strong point of contention between the two departments on law of the sea matters, although there have been some basic on-going differences on how to treat the straits issue. I promised to check into the matter and report back. STATINTL

2. Telecons with Law of the Sea Task Force people revealed that, indeed, over the weekend there had been a difference of opinion in the US negotiating team at the Seabeds Committee meeting in Geneva. The US along with the other major maritime powers had been pressing, with no success, for the inclusion of the subject of "free transit through international straits" on a list of topics for consideration at the proposed 1973 Law of the Sea Conference. On 11 August Spain (strongly opposed to free transit) had proposed some compromise wording which would have permitted the topic to be raised under a general straits sub-heading. State Department representatives felt that this wording gave us enough negotiating flexibility on the straits issue and, in an effort to make some progress, were willing to accept. Defense, on the other hand, felt that omission of explicit reference to "free transit" was a psychological blow to the US position and would prejudice our ability to attain our goals at subsequent negotiations. Departments in Washington were asked to present their cases to the White House at once and a decision was expected by cob 14 August. CIA had not been contacted since we are not an action Agency on this matter and are not represented on the negotiating team.

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3. This information, along with my views on the Agency's role, were passed to Mr. Proctor through [REDACTED] I feel that the question being resolved by the White House was strictly one of negotiating tactics and did not warrant our consideration. In due course, when the July-August Seabeds Committee meetings are over, a full report (directed by the President in NSDM-177) will be required from the Interagency Law of the Sea Task Force for consideration by the NSC Senior Review Group. If our Agency has any substantive comments on the straits issue or any other pertinent law of the sea issue, that will be the time to make them. STATINTL

[REDACTED] STATINTL
Special Research Branch
Geography Division, OEGI

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STATINTL

TRANSMITTAL SLIP		DATE 11 August 1972
TO: [REDACTED]		DDI's Staff
ROOM NO. 7-E-44	BUILDING HQ	
REMARKS: For your information. STATINTL <i>FILE: LAW-OF-THE-SEA</i>		
FROM: [REDACTED]		OBI/GD/X
ROOM NO. 806	BUILDING Magazine	EXTENSION 2257
FORM NO. 241 1 FEB 55		REPLACES FORM 36-8 WHICH MAY BE USED. (47)